



Jordan D. Weiss  
+1 212 459 7227  
jweiss@goodwinlaw.com

Goodwin Procter LLP  
The New York Times Building  
620 Eighth Avenue  
New York, NY 10018

goodwinlaw.com  
+1 212 813 8800

April 10, 2023

**VIA ECF**

The Honorable Edgardo Ramos  
U.S. District Judge  
U.S. District Judge for the Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: Esperion Therapeutics, Inc. v. Daiichi Sankyo Europe GmbH, Case No. 1:23-cv-02568**

Dear Judge Ramos:

On behalf of Plaintiff Esperion Therapeutics, Inc. ("Esperion") and Defendant Daiichi Sankyo Europe GmbH ("DSE"), please find the below joint-statement reflecting the parties' agreement relating to the Order to Show Cause For Service of Process by Email on Defendant (Dkt. 13).

On April 3, 2023, Esperion submitted a memorandum and proposed order to show cause asking the Court to authorize service via email on DSE. Prior to that submission, Esperion had been discussing the subject matter underlying the litigation with DSE's counsel at White & Case. However, unbeknownst to Esperion, DSE did not engage White & Case to act as litigation counsel in connection with Esperion's Complaint. Accordingly, when White & Case informed Esperion on March 30 that it was not authorized to accept service on behalf of DSE, it was not DSE refusing to accept service as Esperion initially understood. After Esperion's motion was filed, on April 5, 2023, DSE's litigation counsel contacted Esperion's counsel and cleared up the misunderstanding. The parties worked cooperatively and have agreed that service on DSE has been accomplished and that DSE, with the Court's approval, will respond to the Complaint on or before May 26, 2023. This agreement moots Esperion's request for service by email and the parties jointly request that the Court cancel tomorrow's show cause hearing (Dkt. 13) and order that DSE respond to the complaint on or before May 26, 2023.



The Honorable Edgardo Ramos  
April 10, 2023  
Page 2

Respectfully Submitted,

/s/ Jordan D. Weiss

Jordan D. Weiss  
Goodwin Procter LLP  
The New York Times Building  
620 Eighth Avenue  
New York, NY 10018  
(212) 813-8800  
JWeiss@goodwinlaw.com

cc: Jeremy Cole, Jones Day, Counsel for Daiichi Sankyo Europe GmbH (jpcole@JonesDay.com)